

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KIMBERLY SUE ATKISON, et al.,

Plaintiffs,

v.

STEAK & SHAKE OF HAMPTON, INC.,

Defendant.

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No. 4:05-CV-1507 CAS

ORDER

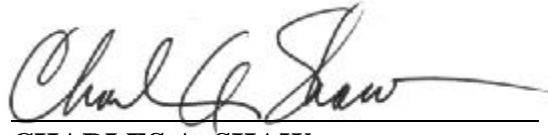
This matter is before the Court on a motion to withdraw as co-counsel for the plaintiff filed by Mr. Denis Burns. Mr. Burns seeks leave to withdraw as counsel in this case, but requests “permission to continue electronic filing on behalf of [co-counsel] Mr. McDonald, until he has had sufficient time to arrange for electronic filing through his office.” Mot. to Withdraw at 1.

Under this Court’s Administrative Procedures for Case Management/Electronic Case Filing (CM/ECF) (revised 4-12-2004), Section II.G., “The use of an attorney’s electronic filing login and password to file a document constitutes the signature of that attorney on that document for all purposes, including Fed. R. Civ. P. 11.” Further, “The login and password issued to an individual attorney may be used only to file documents on behalf of that attorney.” Id.

It would a violation of the above-quoted administrative procedure for Mr. Burns to file documents on behalf of Mr. McDonald if Mr. Burns were no longer an attorney of record in this case. The Clerk’s Office informs that Court that obtaining access to the CM/ECF system can be readily accomplished within the space of a week. Therefore the Court will deny without prejudice Mr. Burns’ motion for leave to withdraw as co-counsel, subject to refile (1) after Mr. McDonald has obtained access to the CM/ECF system; or (2) without any request to continue electronic filing on behalf of Mr. McDonald.

Accordingly,

IT IS HEREBY ORDERED that the motion of Denis Burns to withdraw as co-counsel for the plaintiff is **DENIED without prejudice**. [Doc. 16]

A handwritten signature in black ink, reading "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 16th day of November, 2005.